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EXAMINER
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BASEHOAR, ADAM L

ART UNIT	PAPER NUMBER
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2178

MAIL DATE	DELIVERY MODE
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05/15/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

09/656,531

**Applicant(s)**

ARMANDPOUR ET AL.

**Examiner**

Adam L. Basehoar

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 February 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. This action is responsive to communications: The Amendment filed 02/26/07 to the RCE filed 11/02/06.
2. The rejection of claims 1-11 under 35 U.S.C 101 have been withdrawn as necessitated by Amendment.
3. Claims 1-28 remain rejected under 35 U.S.C. 103(a) as being unpatentable over DaCosta et al (US-6,826,553 11/30/04) in view of Weinberg et al (US-6,360,332 03/19/02).
4. Claims 1-28 are pending in the case. Claims 1, 12, and 18 are independent claims.

### *Claim Rejections - 35 USC § 103*

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over DaCosta et al (US-6,826,553 11/30/04) in view of Weinberg et al (US-6,360,332 03/19/02).

-In regard to substantially similar independent claims 1 and 12, DaCosta teaches an application for enabling automated notification of applied structural changes to electronic information pages on a network comprising:

an interface for enabling users to build and modify network navigation and interaction templates using functional logic blocks for automatically navigating to and interacting with

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interactive electronic information pages on the network (column 2, lines 11-30; column 5, lines 30-67)(Figs. 1 & 7);

a navigation interface for integrating the software application to a proxy-navigation system for periodic execution of the templates (column 5, lines 19-20: “automatically repeat these steps in a scheduled manner”);

a change notification module for indicating a point in process where a navigation and interaction routine has failed and for creating a data file containing parameters associated with the failed routine (column 6, lines 9-13 & 35-41; column 18, lines 54-65); and

sending proper notifications of the failed script to the developer upon failure of the script (column 6, lines 9-13 & 35-41; column 18, lines 54-65). DaCosta does not specifically teach storing the data file in a data repository with a point-of-failure indication and an identifier of the associated electronic information page subjected to the navigation. Weinberg teaches storing the data file (column 2, lines 39-40; column 6, lines 19-22), wherein the application periodically submits test navigation and interaction routines (column 6, lines 19-22), and upon failure of the routine, creates a data file (column 2, lines 39-40; column 3, lines 29-43; column 6, lines 19-22; column 17, lines 10-52)(Fig. 5F), the data file comprising a point-of-failure indication within the failed routine (Fig. 5F: column 17, lines 17-21), an identifier of the associated electronic page (columns 17-18: lines 62-12)(Fig. 5F: “URL: www.mercint.com”), and stores the data file in the data repository sending notification of the action to the developer (column 2, lines 39-40; column 6, lines 15-23). It would have been obvious to one of ordinary skill in the art at the time of the invention to have stored the failed navigation script of DaCosta and for the proper notifications of the failed script to have included a point in process of the failure along with the an identifier

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of the associated web page, because Weinberg teaches that by storing the failed navigation script, a developer can easily display the results of the navigation and quickly determine the location of the failure of the routine (column 3, lines 29-44). This would have made the re-teaching (i.e. correcting) of the navigation script easier for the developer (column 6, lines 9-13 & 35-41).

-In regard to dependent claims 2, 13, and 19, DaCosta teaches wherein the network could be the Internet (column 2, line 13: "Internet") and wherein the electronic information page was a web page (column 2, line 13: "web site") on the network.

-In regard to dependent claim 3, DaCosta teaches wherein the logic blocks include site logic blocks, automated site-login blocks, and automated site-registration blocks (column 2, lines 55-67; column 5, lines 37-43).

-In regard to dependent claim 4, DaCosta teaches wherein the software application was an Internet based application executing and running on a server (column 18, lines 26-40).

-In regard to dependent claim 5, DaCosta teaches wherein the application was accessible through a network browser (column 2, lines 10-30: "Browser").

-In regard to dependent claim 6, DaCosta teaches wherein the templates are test routines executed for determining success or failure of the routine (column 6, lines 9-13 & 35-41; column 18, lines 54-65).

-In regard to dependent claim 7, DaCosta teaches wherein the templates are executable instruction orders containing logic blocks (column 2, lines 55-67).

-In regard to dependent claim 8, DaCosta teaches wherein the functional logic blocks are modular and self-installable within the templates (column 2, lines 55-67)(Fig. 2: 60, 70, 80, 90).

-In regard to dependent claim 9, DaCosta teaches wherein the data files are human readable and are accessed by developers for the purpose of affecting updating of the navigation templates (column 18, lines 54-67).

-In regard to dependent claim 10, DaCosta teaches wherein the developers access the application via individual computerized workstations (column 18, lines 34-67)(Fig. 7: "User Developer").

-In regard to dependent claim 11, DaCosta teaches wherein the error notification and data file are performed in the event failure or a client's personalized navigation template (column 6, lines 9-13 & 35-41; column 18, lines 34-67).

-In regard to dependent claim 14, DaCosta teaches wherein the software application was an Internet (column 2, line 13: "Internet") based application executing and running on a server (column 18, lines 26-40).

-In regard to dependent claims 15 and 16, DaCosta teaches wherein a single server system hosting both the proxy navigation software and the software application (column 18, lines 26-40).

-In regard to dependent claim 17, DaCosta teaches wherein software application and the proxy navigation software are integrated as a single application enabling both functions of navigation according to navigation templates and notifying and recoding failed instances of navigation (column 18, lines 26-67).

-In regard to independent claim 18, DaCosta teaches a method for receiving automated notification of random structural changes applied to electronic information pages hosted on a network comprising:

- establishing notification of a failed navigation and interaction routine executed for the purpose of navigating to and interacting with an electronic information page (column 6, lines 9-13 & 35-41; column 18, lines 34-67: "email or pager notification").

- creating an instance of the failed routine including parameters associated with the cause of failure (column 6, lines 9-13 & 35-41; column 18, lines 34-67: "proper notifications");

- accessing the notification of the of the failed routine for review purposes (column 6, lines 9-13 & 35-41; column 18, lines 34-67: i.e. developer accesses failed script for re-teaching purposes);

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-being able to navigate to the electronic information page identified in the recorded instance (column 6, lines 9-13 & 35-41; column 18, lines 34-67: i.e. developer accesses failed script for re-teaching purposes);

-accessing source information associated with the electronic information page identified in the recorded instance (i.e. re-teaching a new navigation and extraction script by accessing the source information).

-creating new logic according to the source information and according to information contained in the recorded instance (column 6, lines 9-13 & 35-41; column 18, lines 34-67);

installing the new logic into existing navigation templates that depend on the updated information for successful function column 6, lines 9-13 & 35-41; column 18, lines 34-67; column 19, lines 1-15).

DaCosta does not specifically teach wherein the instance of the failed navigation routine was stored for future review. Weinberg teaches storing the data file (column 2, lines 39-40; column 6, lines 19-22), wherein the application periodically submits test navigation and interaction routines (column 6, lines 19-22), and upon failure of the routine, creates a data file (column 2, lines 39-40; column 3, lines 29-43; column 6, lines 19-22; column 17, lines 10-52)(Fig. 5F), the data file comprising a point-of-failure indication within the failed routine (Fig. 5F: column 17, lines 17-21), an identifier of the associated electronic page (columns 17-18: lines 62-12)(Fig. 5F: "URL: www.mercint.com"), and stores the data file in the data repository sending notification of the action to the developer (column 2, lines 39-40; column 6, lines 15-23). It would have been obvious to one of ordinary skill in the art at the time of the invention to have stored the instance of the failed navigation script of DaCosta, because Weinberg teaches



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that by storing the failed navigation script, a developer can easily display the results of the navigation and quickly determine the location of the failure of the routine (column 3, lines 29-44). This would have made the re-teaching (i.e. correcting) of the navigation script easier for the developer (column 6, lines 9-13 & 35-41).

-In regard to dependent claim 20, DaCosta teaches wherein the navigation routine was performed according to a test navigation template (Fig. 2: i.e. according to the navigation and extraction scripts)

-In regard to dependent claim 21, DaCosta teaches wherein the navigation routine was performed according to a client navigation template (Fig. 7: "User").

-In regard to dependent claim 22, DaCosta teaches wherein the recorded instance of the failed routine was created in the form of a data file and stored in a data repository (column 6, lines 9-13 & 35-41; column 18, lines 54-67).

-In regard to dependent claim 23, DaCosta teaches wherein the recorded instance of the failed navigation routine was accessed by a software developer (column 6, lines 9-13 & 35-41; column 18, lines 54-67).

-In regard to dependent claim 24, DaCosta teaches wherein navigation was performed by the developer utilizing an instance of a browser installed on a computerized workstation (column 2, lines 11-30).

-In regard to dependent claim 25, DaCosta teaches wherein the new logic was in the form of a modular logic block installable to a navigation template (column 6, lines 9-13 & 35-41; column 18, lines 54-67).

-In regard to dependent claim 26, DaCosta teaches wherein the new logic block self-installs to a depended navigation template (column 6, lines 9-13 & 35-41; column 18, lines 42-67).

-In regard to dependent claim 27, DaCosta teaches testing the new logic before the implementation (column 19, lines 1-15).

-In regard to dependent claim 28, DaCosta teaches creating more than one logic block within a navigation template and wherein more than one block could fail (column 6, lines 9-13 & 35-41; column 18, lines 34-67; column 19, lines 1-15).

***Response to Arguments***

7. Applicant's arguments filed 02/26/07 have been fully considered but they are not persuasive.

-In regard to the DaCosta reference, Applicant requested clarification on the relied upon prior art. The Examiner recognizes that the filing date of the DaCosta reference alone would not provide an appropriate date required for proper prior art. However in view of the claimed priority to the continuation-in-part application (i.e. 09/465,028) and the provisional applications (i.e. 60/147,875 & 60/112,769), the cited disclosure is given the appropriate priority date that it deserves. The Examiner also recognizes that the burden now lies with the Applicant who must point out, outside of mere allegations, what limitations are missing from the priority art references that are relied upon in the present application. While the Examiner will not specifically point out each relied upon citation, the Examiner respectfully believes that the cited subject matter from the DaCosta reference should be given the date of the provisional application 60/112,769 or at the least that of the CIP application. In general, the key limitations relied upon in the DaCosta reference (i.e. information pertaining to Figs. 1 and 7) are clearly exhibited in the priority references.

-In regard to the independent claims Applicant generally argues that Weinberg does not teach the elements of the claimed database interface module such as indicating a point in process where a navigation routine and interaction routine has failed and for creating a data file containing parameters associated with the failed routine. Applicant also argues that Weinberg fails to store a data file comprising point of failure of a navigation routine. The Examiner respectfully disagrees with the Applicant.

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Weinberg clearly teaches storing the a data file (column 2, lines 39-40; column 6, lines 19-22), wherein the an application periodically submits test navigation and interaction routines (column 6, lines 19-22), and upon failure of the routine, creates a data file (column 2, lines 39-40; column 3, lines 29-43; column 6, lines 19-22; column 17, lines 10-52)(Fig. 5F), the data file comprising a point-of-failure indication within the failed routine (Fig. 5F: column 17, lines 17-21), an identifier of the associated electronic page (columns 17-18: lines 62-12)(Fig. 5F: "URL: www.mercint.com"), and stores the data file in the data repository sending notification of the action to the developer (column 2, lines 39-40; column 6, lines 15-23). In view of the drawings, Weinberg also clearly teaches recording a point-of-failure indication (Fig. 5F: 88 & 89) within the failed routine, indicating that that verification step failed and thus the status of the test as a whole had failed (column 17, lines 50-52). As discussed before, Weinberg teaches wherein results of the test navigation and interaction routines, including the results of the verification steps were stored for viewing (column 2, lines 39-40). Weinberg also teaches wherein displaying the test results in a hierarchical tree ("report tree") can also display the results of the verification steps graphically within the report tree, such as displaying a green check mark or a red "X" symbol to indicate pass/fail status (column 3, lines 29-43; column 17, lines 10-52). Thus the Weinberg reference indicates to the developer via the report tree the point-in-process has failed by displaying a red "X" symbol in the report tree (Fig. 5F: i.e. Red "X" shows that Test Iteration 4 has failed. The Test Status (90) also shows that the current test status is "Failed").

In general, the Examiner respectfully disagrees and believes that the testing tool of Weinberg, which records interactions and navigations between a web browser and web server

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(column 2, lines 23-40) and then reports the location of the failures of the repeatedly run routines, meets all the claimed limitations to which the reference has been relied upon.

***Conclusion***

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adam L. Basehoar whose telephone number is (571)-272-4121. The examiner can normally be reached on M-F: 7:00am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steve Hong can be reached on (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ALB



**STEPHEN HONG**  
**SUPERVISORY PATENT EXAMINER**